

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 HOLLYWOOD CITIZEN NEWS  
4 OPERATING COMPANY, LLC, and  
HOLLYWOOD CITIZEN NEWS F&B,  
LLC,

5 Plaintiffs,  
v.

6 TEN FIVE HOSPITALITY LLC, and DAN  
DALEY,

7 Defendants.

8 DAN DALEY, TEN FIVE HOSPITALITY  
9 LLC and 1545 F&B MANAGER LLC,

10 Counterclaim Plaintiffs,  
v.

11 HOLLYWOOD CITIZEN NEWS  
12 OPERATING COMPANY, LLC,  
HOLLYWOOD CITIZEN NEWS F&B,  
13 LLC, RELEVANT HOSPITALITY LLC, and  
ZHAOXU CHEN a/k/a VINCENT CHEN,

14 Counterclaim Defendants.

CASE NO.: 2:23-cv-01126-APG-DJA

JOINT STATUS REPORT ON STAY OF  
PROCEEDINGS PENDING  
SETTLEMENT

AND

STIPULATION AND ORDER TO  
FURTHER STAY THESE  
PROCEEDINGS

17 Plaintiffs and Counterclaim Defendants Hollywood Citizen News Operating Company,  
18 LLC, Hollywood Citizen News F&B, LLC, Relevant Hospitality LLC, and Zhaoxu Chen a/k/a  
19 Vincent Chen, (collectively, the “HCN Parties”), and Defendants and Counterclaim Plaintiffs, Ten  
20 Five Hospitality LLC, 1545 F&B Manager LLC, and Dan Daley (collectively, the “Ten Five  
21 Parties,” and, together with the HCN Parties, the “Parties”), respectfully submit this Joint Status  
22 Report and Stipulation and Order to Further Stay These Proceedings:

23 1. On January 31, 2024, after conducting an in-person mediation and engaging in  
24 further settlement discussions, the Parties reached agreement on a settlement in principle resolving  
25 all causes of action brought by the Parties in this litigation.

26 2. The Parties also agreed that a stay of all proceedings in this action for a period of  
27 thirty (30) days was necessary to enable the Parties to focus their efforts on preparing and executing

1 a binding, final settlement agreement that will dispose of this case in its entirety. *See* ECF No.  
2 100 (the “First Stipulation”).

3       3. The Court approved the Parties’ requested stay by Order dated February 2, 2024.  
4 *See* ECF No. 101 (the “First Stay Order”).

5       4. On March 4, 2024, the Parties submitted a Joint Status Report on Stay of  
6 Proceedings Pending Settlement and Stipulation and Order to Further Stay These Proceedings,  
7 reporting that the Parties were continuing to work diligently and in good faith to prepare the  
8 necessary documents to finally resolve this matter, inclusive of a binding, final settlement  
9 agreement, and agreeing subject to the Court’s approval that the Parties would benefit from a  
10 continuation of the stay for an additional thirty (30) days. *See* ECF Nos. 102 & 103 (the “Second  
11 Stipulation”).

12       5. On March 5, 2024, the Court approved the Second Stipulation and issued a Minute  
13 Order “[g]ranting [the] Stipulation to Stay Case” ordering that the “[c]ase is stayed until further  
14 order of this court.” *See* ECF No. 104 (the “Second Stay Order”).

15       6. On April 12, 2024, the Court issued an Order directing the parties to file, by April  
16 19, 2024, a stipulation to dismiss this action or a joint status report. *See* ECF No. 105.

17       7. On April 17, 2024, the Parties submitted a Joint Status Report on Stay of  
18 Proceedings Pending Settlement and Stipulation and Order to Further Stay These Proceedings,  
19 reporting that they were continuing to work diligently and in good faith to prepare the necessary  
20 documents to finally resolve this action, inclusive of a binding, final settlement agreement, and  
21 that substantial progress had been made. *See* ECF Nos. 106 & 107 (the “Third Stipulation”).

22       8. The Parties also agreed, subject to the Court’s approval, that the Parties would  
23 benefit from a continuation of the stay for an additional thirty (30) days. *Id.*

24       9. The Court approved the Third Stipulation by Order dated April 18, 2024, extending  
25 the stay for an additional thirty (30) days. *See* ECF No. 108 (the “Third Stay Order”).

26       10. The Parties hereby report to this Court that they continue working diligently and in  
27 good faith to prepare the necessary documents to finally resolve the claims in this action, as well  
28 as the claims in (A) a related action pending in Los Angeles Superior Court captioned *Ten Five*

1       *Hospitality LLC et al. v. Relevant Group LLC et al.*, No. 23STCV00738 (L.A.S.C.); (B) a related  
2 action pending in the federal district court for the Central District of California, captioned *Ten Five*  
3 *Hospitality LLC et al v. Hollywood Cahuenga Restaurant LLC*, 2:23-cv-00957-SVW-RAO; and  
4 (C) five separate related proceedings before the United States Patent and Trademark Office's  
5 Trademark Trial and Appeal Board, respectively captioned (i) *Relevant Group LLC v. Ten Five*  
6 *Hospitality LLC*, Opposition No. 9128324; (ii) *Relevant Group LLC v. Ten Five Hospitality LLC*,  
7 Opposition No. 91283339; (iii) *Relevant Group LLC v. Ten Five Hospitality LLC*, Opposition No.  
8 91287933; (iv) *Relevant Group LLC v. Ten Five Hospitality LLC*, Opposition No. 91288503; and  
9 (vi) *Relevant Group LLC v. Ten Five Hospitality LLC*, Opposition No. 91288999.

10       11. Since the Third Stay Order, the Parties have been in communication on a near-daily  
11 basis concerning settlement terms and have exchanged multiple drafts of all documents  
12 contemplated to resolve their disputes across the litigations, including a draft settlement agreement  
13 contemplated between nineteen (19) separate parties with fourteen (14) exhibits, several of which  
14 are independent complex commercial agreements between subsets of the parties to the  
15 contemplated settlement agreement.

16       12. The Parties respectfully submit this Joint Status Report on Stay of Proceedings  
17 Pending Settlement and Stipulation and Order to Further Stay These Proceedings to update the  
18 Court that they are continuing to work diligently and in good faith to prepare the necessary  
19 documents to finally resolve this matter and that substantial progress continues to be made.  
20 Despite those diligent efforts, the Parties have not yet been able to finalize the necessary  
21 documents.

22       13. In light of the foregoing, the Parties would benefit from a continuation of the stay  
23 for an additional thirty (30) days.

24       14. Accordingly, the Parties stipulate and agree, subject to the Court's approval, that  
25 within thirty days following entry of the Court's order approving this stipulation and continuing  
26 the stay of these proceedings, the Parties shall file a notice of settlement or, if the final settlement  
27 agreement has not been executed, a further joint status report.

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1       15. No party will be prejudiced by the relief requested herein, and the Parties agree that  
2 good cause exists for the foregoing relief as it is in the best interests of judicial efficiency and  
3 preservation of judicial and party resources.

4       16. The Parties agree that nothing herein shall act as a waiver or alter the position of  
5 any party to this action.

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1           THEREFORE, the Parties respectfully request that the stay of this action be continued for  
2 an additional period of thirty (30) days from the entry of the Court's order approving this  
3 stipulation.

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5           **IT IS SO STIPULATED.**

6           Dated this 17<sup>th</sup> day of May 2024.

7           GARMAN TURNER GORDON LLP

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12           -and-

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17           *Attorneys for the HCN Parties*

18           Dated this 17<sup>th</sup> day of May 2024.

19           SNELL & WILMER L.L.P.

20           /s/ V.R. Bohman  
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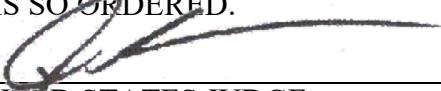
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23           *Attorneys for the Ten Five Parties*

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25           **ORDER**

26           IT IS SO ORDERED.  


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UNITED STATES JUDGE

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DATED: May 20, 2024